

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FRANK CARBONE, ANDREW CORZO,
SAVANNAH ROSE EKLUND, SIA
HENRY, ALEXANDER LEO-GUERRA,
MICHAEL MAERLANDER, BRANDON
PIYEVSKY, KARA SAFFRIN, and
BRITTANY TATIANA WEAVER,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY,
UNIVERSITY OF CHICAGO, THE
TRUSTEES OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK, CORNELL
UNIVERSITY, TRUSTEES OF
DARTMOUTH COLLEGE, DUKE
UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE
JOHNS HOPKINS UNIVERSITY,
MASSACHUSETTS INSTITUTE OF
TECHNOLOGY, NORTHWESTERN
UNIVERSITY, UNIVERSITY OF NOTRE
DAME DU LAC, THE TRUSTEES OF THE
UNIVERSITY OF PENNSYLVANIA,
WILLIAM MARSH RICE UNIVERSITY,
VANDERBILT UNIVERSITY, and YALE
UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Judge Kennelly

**MOTION FOR LEAVE TO PARTICIPATE
AT ORAL ARGUMENT ON AUGUST 2**

The United States of America, by its undersigned attorneys, moves to participate in the oral argument on Defendants' motions to dismiss scheduled for August 2, 2022, and in support states as follows:

1. On April 20, 2022, this Court set a hearing for August 2, 2022 to hear oral argument on Defendants' motions to dismiss. ECF No. 153.
2. On July 7, 2022, the United States requested leave to submit a Statement of Interest pursuant to 28 U.S.C. § 517. This Court granted leave on July 8, 2022 and the United States thereafter submitted its Statement of Interest. ECF No 171.
3. The United States now requests leave to participate in the oral argument on Defendants' motions to dismiss scheduled for August 2, 2022 because it has a strong interest in this case, in particular the proper application of the "568 Exemption," 15 U.S.C. § 1 note; Improving America's Schools Act of 1994, Pub. L. No. 103-382, title V, § 568, 108 Stat. 3518, 4060 (1994), and the per se rule.
4. The United States also believes its participation at the oral argument, in whatever form and extent the Court deems appropriate, will assist the Court in adjudicating the pending motions to dismiss. If the Court desires, the United States will also attend the telephonic status hearing on July 25, 2022. ECF No. 169.
5. Counsel for Plaintiffs have informed the United States that they do not oppose the request for leave. Counsel for Defendants have informed the United States that they take no position with respect to the request.

WHEREFORE the United States hereby requests leave to participate at the August 2, 2022 oral argument set in this matter.

Respectfully submitted,

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DOHA G. MEKKI
Principal Deputy Assistant Attorney General

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Dated: July 14, 2022

s/ Eric D. Dunn

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2022, I electronically filed the foregoing brief by using the CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

/s/ Eric D. Dunn

ERIC D. DUNN